

DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-139

18 March 1980

MEMORANDUM FOR: [REDACTED]
Acting Director of Security

FROM: [REDACTED]
Deputy Director of Community Affairs

SUBJECT: Proposed Charter Legislation

STATINTL

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1. I was informed by [REDACTED] OLC/OGC, that he does not share concern about the proposed security authorities in S.2284 nor does he intend to pursue SECOM's expression of concern and proposed fix. His reason - NSA and DoD would object to our proposed changes to the NSA section. He was not sure why he did not want to try to get the DCI authority to establish "common" rather than "minimum" security standards. Nonetheless, Burke was of the opinion that Executive Orders take precedence over legislation. I doubt it.

STATINTL

2. Jerry Rubino was kind enough to provide me a copy of a buck slip prepared by Justice's Deputy Counsel for Intelligence Policy regarding our proposed changes. Interesting to note that it was DoD's General Counsel who specifically requested the word "minimum." Copy attached.

STATINTL

3. NSA's [REDACTED] a member of NSA General Counsel and reportedly the principal crafter of the NSA security language during the closed session of lawyers who drew up the various portions of the bill, also objects to the SECOM proposals.

4. It must be noted that the objections to change are not based on legal problems. They are based on reluctance to face down the perceived strength of shouting by some non-DCI lawyers.

5. This concern about the relative authorities is real and not one of perception. The concern stems from years of association with NSA and having to live with their dogmatic approach. I do not believe that the intelligence community would honestly approve and endorse legislation giving NSA authority to prescribe and enforce security rules, regulation procedures, standards and requirements with respect to personnel security clearances, authorization for access to facilities and information, physical security of facilities, equipment and information in order to protect SI.

6. I find it inconceivable that we will allow NSA to have legislative authority to require CIA to submit their background investigations and adjudications on CIA personnel to NSA should NSA believe it required to do so to assist the Director of NSA in the fulfillment of his responsibilities under this security section of the bill.

7. Something must be done.

8. I propose a strong memorandum to the DCI from you as Director of Security, CIA, and as Acting Chairman, SECOM, coordinated as necessary with OGC, and ask the DCI to resolve this matter.

9. I also suggest that such a memorandum be routed to the DDO, DDS&T, NFAC and DDA for endorsement.

10. There is a draft of such a memorandum attached for your signature.

11. From the SECOM viewpoint I will prepare material covering information from [redacted] for members of SECOM and deliver it at the 2 April meeting. I would encourage them to seek support of their principals in a manner similar to what I have proposed doing in CIA.

STATINTL

12. I recommend you sign the attached memorandum to the DCI and endorse and support the proposed SECOM action.



STATINTL

Attachments

Copy of relevant Sections of the Bill S.2284
Copy of the SECOM-M-230, dated 26 February 1980
Copy of Justice's Buck slip dated March 3, 1980
Letter to DCI
Background material

Distribution:

Orig - Addressee w/atts
1 - SECOM Subj w/atts
1 - SECOM Chrono w/o atts ✓

SECOM:  (18 Mar 80)

STATINTL

DCI

(j) The Director shall be responsible for the protection from unauthorized disclosure of intelligence sources and methods and shall establish for departments and agencies minimum security standards for the management and handling of information and material relating to intelligence sources and methods.

Proposed Changes --

(j) The Director shall be responsible for the protection from unauthorized disclosure of intelligence sources and methods and shall establish for departments and agencies ^{common} ~~minimum~~ and access ^{managing} foreign intelligence systems, security/standards for ~~the-management~~ and handling/of information products.
~~and/material-relating-to-intelligence-sources-and-methods:~~

DIR/NSA

(c) It shall also be the duty of the Director to prescribe and enforce for the United States signals intelligence system and for the communications security activities of the United States Government security rules, regulations, procedures, standards, and requirements with respect to personnel security clearances, authorizations for access to facilities and information, physical security of facilities, equipment, and information, and the transmission, processing, and reporting of information, in order to protect signals intelligence and communications security information from unauthorized disclosure. All such rules, regulations, procedures, standards, and requirements shall be in accord with applicable law and with policy guidance from the Director of National Intelligence with respect to signals intelligence activities and the Secretary of Defense with respect to communications security activities. Enforcement of all such rules, regulations, procedures, standards, and requirements shall be coordinated with the head of each concerned department or agency.

(d) To assist the Director in the fulfillment of his responsibilities under this section, the heads of all departments and agencies shall furnish the Director, upon request and in accordance with applicable law, such data as the Director may require and the Director shall take appropriate steps to maintain the confidentiality of any information which is so provided.

DIR/NSA -- Proposed Changes

(c) It shall also be the duty of the Director to prescribe and enforce for the ~~United-States-signals-intelligence-system-and~~ ~~for-the~~ communications security activities of the United States Government security rules, regulations, procedures, standards, and requirements with respect to personnel security clearances, authorizations for access to facilities and information, physical security of facilities, equipment, and information, and the transmission, processing, and reporting of information, in order to protect ~~signals-intelligence-and~~ communications security information from unauthorized disclosure. All such rules, regulations, procedures, standards, and requirements shall be in accord with applicable law and with policy guidance from the ~~Direector-of~~ ~~National-Intelligence-with-respect-to-signals-intelligence~~ ~~activities-and-the~~ Secretary of Defense with respect to communications security activities. Enforcement of all such rules, regulations, procedures, standards, and requirements shall be coordinated with the head of each concerned department or agency.

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